

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	
	:	
Notice of Inquiry into the need for an	:	
expedited hearings process for	:	04-NOI-01
complaints against an alternative gas	:	
supplier where the complainant seeks	:	
a cease and desist order under	:	
Section 19-120 of the Public Utilities	:	
Act	:	

NOTICE OF INQUIRY

I. Introduction

Section 19-120 of the Public Utilities Act [220 ILCS 5/19-120] provides that

- (c) The Commission shall have authority after notice and hearing held on complaint or on the Commission's own motion to:
 - (1) order an alternative gas supplier to cease and desist, or correct, any violation of or nonconformance with the provisions of Section 19-110 or 19-115;

Staff of the Illinois Commerce Commission ("Commission") has been approached about the need for an expedited hearings procedure for cases filed under Section 19-120 in which the complainant seeks a cease and desist order. The Commission initiates this Notice of Inquiry ("NOI") in order to ascertain whether such need exists, whether there is statutory authority for such expedited proceedings, whether due process concerns exist, and what rules, if any, would need to be either adopted or amended to establish a framework for such expedited proceedings.

II. Nature of the NOI

The Commission's rules with respect to Notices of Inquiry are specified in 2 III. Adm. Code 1700. Section 1700.330 states that an NOI will contain, in part, a disclaimer that:

the Notice of Inquiry proceeding is not a rulemaking, but that information gathered may or may not form the basis for the initiation of rulemaking or for other purposes at a later date.

III. NOI Manager

Section 1700.310 of the Commission's NOI rules requires the designation of an NOI Manager to conduct discussions as are necessary to address the issues raised in the Commission's directive for an NOI. The NOI Manager in this case will be Conrad S. Rubinkowski of the Commission's Office of General Counsel. For correspondence, please note:

Mailing Address:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield IL 62701

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IV. Issues of this NOI

Interested persons and entities are requested to respond to the questions and issues set forth in the Appendix to this Notice of Inquiry. Responses should be identified by any applicable designations in the Appendix, e.g., "Item 3(b)".

V. Form and Content of Documents Distributed in this NOI

Pursuant to Section 1700.350 of the Commission's NOI rules:

- a) An original and three copies of all comments, reply comments, and other documents should be submitted to the Chief Clerk on or before the date stated in the Notice of Inquiry. The distribution of such copies will be as follows:
 - 1) Chief Clerk — Springfield
 - 2) Chief Clerk — Chicago Office
 - 3 Office of General Counsel — Springfield 2
[successor to PAR Division for purposes of this NOI]
- b) Copies of all documents filed in the proceeding will be available for public inspection at the Chief Clerk's office in Springfield and the Commission Chicago office.
- c) A copy of the list of participants may be acquired from the NOI Manager.

The NOI Manager will take steps to ensure that copies of all documents filed in the proceeding are posted to the Commission's web site, www.icc.state.il.us. Toward that end, in addition to providing comments and other documents as set forth above on the basis of the Commission's rule, interested persons and entities are requested to send such comments and other documents in electronic form (preferably Adobe .PDF) to crubinko@icc.state.il.us.

VI. Schedule

The schedule for this NOI shall be as follows, unless altered by the NOI Manager with adequate public notice provided.

Submission of initial comments (pursuant to Sec. 1700.340 (b)): August 27, 2004

Submission of reply comments (pursuant to Sec. 1700.340 (c)): September 3, 2004

NOI Manager submits recommendations (pursuant to Sec. 1700.360 (b)): October 1, 2004

Participants are encouraged by the Commission to share their data and other information pertinent to the issues to be addressed in this NOI with other participants, if requested.

Initiated this 4th day of August, 2004

(SIGNED) Edward C. Hurley

Chairman